

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

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9 February 1976

Mr. Robert W. Wells
Executive Director
Interagency Classification Review Committee
8th & Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Bob:

We do have some suggestions for the proposed letter to departments entitled "Security Classification and Access Control Markings Authorized by Executive Order 11652," responsive to the ICRC action at the January meeting. With reference to the second and third paragraphs, it is not certain, in our view, that the use of such terms as, for example, "Conference Confidential" is intended to designate information as national security information. Nor is there a showing that these markings are used to designate information as exempt from the Freedom of Information Act. In any event the problem is that there is confusion and misunderstanding because some departments, for whatever reasons, use some markings which include the word "Confidential" or "Secret" in conjunction with other words. Also with reference to paragraph two, we wonder if it is not somewhat overstated to refer to this matter as one which "demands immediate corrective action." To meet these various points perhaps paragraphs two and three could be replaced substantially as follows:

It has come to the attention of the Committee that departments are experiencing difficulties and problems by the receipt of documents from other departments which bear markings which include the words "Confidential" or "Secret" in conjunction with other words, apparently not intended as designations of national security information in accordance with Executive Order 11652. The receiving agency cannot be certain what the originating agencies intend by these markings. Departments and agencies are requested therefore to avoid the use of the word "Confidential" or the word "Secret" in any markings, except in accordance with the requirements of Executive Order 11652.

Yours very truly,

Associate General Counsel

cc: AI/DDA

